

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Frank Seidel,

Plaintiff,

v.

Civ. No. 06-2832 (JNE/JJG)
ORDER

Pengwyngroup, LLC,

Defendant.

In a Report and Recommendation dated December 11, 2006, the Honorable Jeanne J. Graham, United States Magistrate Judge, recommended that defendant's motions for summary judgment and sanctions be granted; plaintiff's motion for summary judgment be denied; defendant's motion to dismiss be denied as moot; and that this matter be dismissed. Plaintiff objected to the Report and Recommendation and defendant responded. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based on that review, the Court adopts the Report and Recommendation with the exception of the recommendation that defendant's motion for sanctions be granted. Accordingly, IT IS ORDERED THAT:

1. Defendant's motion for summary judgment [Docket No. 16] is GRANTED.
2. Plaintiff's motion for summary judgment [Docket No. 11] is DENIED.
3. Defendant's motion to dismiss [Docket No. 2] is DENIED AS MOOT.
4. Defendant's motion for sanctions [Docket No. 27] is DENIED.
5. The Complaint [Docket No. 1] is DISMISSED FOR LACK OF STANDING.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 31, 2007

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge